IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

WP(C).No. 34406 of 2007(U)

PETITIONERS:

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1. **R.JAYAKUMAR, WORKING AS FIELD WORKER, N.F.C.P.UNIT, THIRUVANANTHAPURAM, RESIDING AT VALLIYATHU VEEDU, SREYICKADU, AZHEEKKAL P.O.**

2. **S.SOORYADAS, WORKING AS FIELD WORKER, N.F.C.P.UNIT, THIRUVANANTHAPURAM, RESIDING AT VILAYIL VEEDU, MUDAPURAM P.O.**

3. **J.JOHNSON, WORKING AS FIELD WORKER, FILARIA SURVEY UNIT, VALIYATHURA, THIRUVANANTHAPURAM, RESIDING AT PANAYIL PUTHEN VEEDU, CHEMMAKKADU P.O., PERINAD, KOLLAM.**

4. **V.MURALEEDHARAN, WORKING AS FIELD WORKER, N.F.C.P.UNIT, THIRUVANANTHAPURAM, RESIDING AT PUTHUMANGALATH PUTHEN VEEDU, CHANAPPARA, THUDAYANNOOR P.O., KADAKKAL, KOLLAM.**

5. **A.THINGAL RAJ, WORKING AS FIELD WORKER, N.F.C.P.UNIT, THIRUVANANTHAPURAM, RESIDING AT ACHUTHA BHAVAN, KAITHAKUZHY, UMMANNOOR P.O., KOLLAM.**

6. **B.S.SREEKUMAR, WORKING AS FIELD WORKER, N.F.C.P.UNIT, KOLLAM, RESIDING AT KUMARAVILASAM VEEDU, THRIKKANNAMANGAL, KOTTARAKKARA, KOLLAM.**

7. **A.HARILAL, WORKING AS PEON, GOVERNMENT HOSPITAL, NEENDAKARA, KOLLAM, RESIDING AT ASHA BHAVAN, KUREEPUZHA, KAVANADU P.O., KOLLAM.**

8. **N.ANIL KUMAR, WORKING AS PEON, PRIMARY HEALTH CENTRE, PRAMADAM, PATHANAMTHITTA, RESIDING AT PEROOR KIZHAKKATHIL, VAKAYAR P.O., KONNY, PATHANAMTHITTA.**

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9. SARITHA S., WORKING AS PEON,
PRIMARY HEALTH CENTRE, EZHUKONE,
PAVETHRESWARAM, KOLLAM, RESIDING AT
PUTHENPURAYIL, INCHAVILA, PERINAD,
KOLLAM.

10. D.ANIL KUMAR, WORKING AS PEON,
PRIMARY HEALTH CENTRE, KUNNATHOOR,
PUTHANAMBALAM P.O., KOLLAM, RESIDING AT
VALIYATHARAYIL, CHATHAKKULAM P.O.,
PORUVAZHY, KOLLAM.

11. K.RAJASEKHARAN NAIR, WORKING AS
ELECTRICIAN, DISTRICT MEDICAL OFFICE,
KOLLAM, RESIDING AT AMBALAPURATHU VEEDU,
VENCHEMPUR P.O., KOLLAM.

BY ADV. SRI.P.B.SURESH KUMAR
SRI.LEO GEORGE

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE DEPARTMENT,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

3. THE DIRECTOR OF HEALTH SERVICES,
OFFICE OF THE DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

4. DISTRICT MEDICAL OFFICER,
THIRUVANANTHAPURAM.

5. DISTRICT MEDICAL OFFICER, KOLLAM.

6. DISTRICT MEDICAL OFFICER, PATHANAMTHITTA.

7. SAJI.C, JUNIOR HEALTH INSPECTOR GRADE II,
VELLARADA PUBLIC HEALTH CENTRE,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No.34406 of 2007

Dated this the 21st November, 2007

J U D G M E N T

Petitioners 1 to 6 are Field Workers, 7 to 10 are Peons and 11th petitioner is Electrician in the Health Services Department. As per the special rules relating to appointment to the post of Junior Health Inspector Grade II, petitioners are also eligible to be considered for promotion. They contend that ignoring the fact that they are qualified persons, Government is proposing to embark upon direct recruitment. Apparently, on an earlier occasion, this Court had by Ext.P3 judgment directed the Government to consider the claim of similarly situated persons and further held that direct recruitment may be subject to such claims.

2. Petitioners contend that juniors to the petitioners have been promoted as Junior Health Inspectors Grade II pursuant to the directions issued by this Court. Petitioners have filed Exts.P4 to P14 before the Director of Health Services.

3. Having heard the learned Government Pleader also, the writ petition is disposed of directing the third respondent to look into Exts.P4 to P14 and take a decision thereon, in the light of Ext.P3 judgment, within a period of six weeks from the date of receipt of a copy of this judgment.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007